

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

IN RE:

CAUSE NO. 3:24-mc-11-MPM-RP

**CIVIL INVESTIGATIVE DEMAND
NO. 2024-025**

**ORDER GRANTING PETITION FOR
SUMMARY ENFORCEMENT OF CIVIL INVESTIGATIVE DEMAND**

On July 31, 2024, the United States of America (“United States”) petitioned this court to enforce Civil Investigative Demand 2024-025 (“CID 2024-025”) and compel the recipient of that demand, Monica Bernard, to submit to an oral examination. Docket 1. The petition states that on April 18, 2024, the United States issued CID 2024-025 in order to obtain Ms. Bernard’s oral testimony in connection with its investigation on whether there has been a violation of the False Claims Act, 31 U.S.C. § 3729. Ms. Bernard was served on April 30, 2024, but failed to appear for her oral testimony set for June 4, 2024. According to the Petition, Ms. Buffington did not seek to modify or set aside CID 2024-025 or otherwise interpose any valid objection recognized by law.

The False Claims Act permits the United States to issue a civil investigative demand upon any person it has “reason to believe” “may be in possession, custody, or control” of any documents or information relevant to the Government’s false claims investigation. 31 U.S.C. § 3733(a). The Government may do so if it has not yet filed its own FCA lawsuit under § 3730(a), and § 3733(j)(1) gives this court the authority to enforce the United States’ CID.

The United States asks this Court to “enter an Order directing Bernard to comply with CID 2024-025....” Docket 1. Before considering whether to grant the United States’ petition to enforce CID 2024-025, this Court planned to conduct show cause proceedings allowing Ms. Bernard the opportunity to show cause as to why CID 2024-025 should not be enforced and why she should not be ordered to comply therewith. A Show Cause Order was entered (Docket 3) on August 2, 2024, and served on Ms. Bernard on January 2, 2024. (Docket 8). The Show Cause Order instructed Ms. Bernard to “respond and show

cause as to why she should not be compelled to comply with CID 2024-025.” However, Ms. Bernard has not responded and the thirty (30) days permitted to respond has expired.

Accordingly, the Petition for Summary Enforcement of Civil Investigative Demand is GRANTED. The United States is ordered to personally serve Ms. Bernard with a copy of this Order. Ms. Bernard is hereby ORDERED to submit to an oral examination, upon reasonable notice and at a time and place within this district designated by the Government, which must serve a copy of the notice upon Ms. Bernard along with a copy of this order. Failure to appear for the oral examination will result in sanctions, including possible contempt of court.

SO ORDERED, this the 20th day of February, 2025.

/s/Michael P. Mills
UNITED STATES DISTRICT JUDGE